

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes only Fig. 1, replaces the original sheet including Fig. 1.

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes only Fig. 2, replaces the original sheets including Fig. 2.

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Figs. 3-6, replaces the original sheet including Figs. 3-6.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Amendments in General

1. The drawings have been amended to include the designation of the items in Figs. 1 and 3 as Prior Art.
2. Fig. 2 has also been amended to include the designation of 139.
3. With regard to the Examiner's objection to the drawings, namely that features 130 and 132 are not present in the drawings. Applicant respectfully directs the Examiner's attention to Fig. 2 of the application as filed wherein items 130 and 132 are shown.
4. The specification has been amended at paragraph 34, 36, 38, and 40 to correct the deficiencies outlined by the Examiner. Specifically, the application has been amended to correct the errors related to the misidentification of pieces in paragraph 38. The specification has also been amended to correct the name of the slip-type gas support tube 130.
5. These changes add no new matter to application and acceptance of these changes is respectfully requested.
6. Claims 1-3 of the application have all been amended to include the limitation of the locking device allowing for infinite adjustment. This is made possible by the smooth shape of the locking nut, which allows the torque on the locking nut to be adjusted to a desired level without regard to the positioning of the gas tube through a portion of the nut itself. Support for this amendment is found on page 4 in paragraph 9 of the application as filed.

Claim Rejections - 35 USC §102

7. The Examiner rejected claims 1-3 under §102(b) as being anticipated by Mooney.
8. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d. 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.
10. Claims 1-3 have been amended to include the limitation of the locking means providing for infinite adjustment. This feature is not present in the Mooney reference. The Mooney reference contains a barrel nut shown as piece 230, which appears to be substantially similar to the nut that is described as prior art in the present invention.

11. The barrel nut devices such as those that are taught in the Mooney reference are not infinitely adjustable nor do they possess infinite numbers of torque positions. The Mooney reference teaches a locking device that has various positions through which the gas tube must be aligned and through which the gas tube must pass. Therefore, the amount of tension on the tube must be configured to correspond with the location of the opening through which the gas tube must pass. This may require that the locking nut be therefore under tightened or over tightened in order to allow the gas tube to line up with the holes of the prior art barrel nut.

12. The present invention does away with these inherent limitations on the torque that can be placed upon the rifle. The present invention keeps the locking device and the gas tube support mechanism in two separate pieces. Thus allowing the gas tube stabilizing or supporting portion to be slid into place and for a separate locking piece to hold the gas tube stabilizing device in place. This locking piece has a generally smooth outer surface and does not have the projections upon its outer surface that are found in the prior art barrel nuts, such as those nuts that are shown as piece 230 in the Mooney reference. This configuration allows for an infinite number of locking positions and does not interfere with the passage of the gas tube along the longitudinal axis of the rifle barrel.

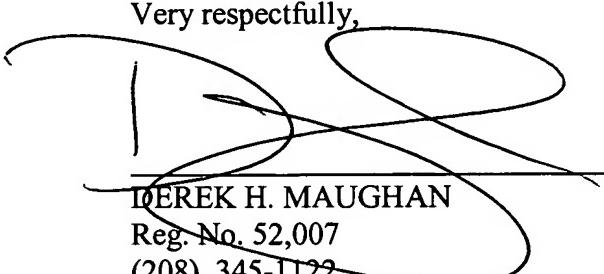
13. Similarly, none of the other references cited by the Examiner contain this feature. The barrel nut in Morris also contains this same prior art spoked barrel nut 44 that was discussed previously. The Mason and McClure devices do not contain any provision for a gas support tube and are not directed to the types of firearms disclosed in the present invention. The Hudson reference makes no mention of a locking nut with a gas tube, nor does the Houghton reference.

Conclusion

Reconsideration and allowance of the application as amended is respectfully requested.

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

DATED this 9th day of April 2004.

Very respectfully,

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